

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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R<sup>2</sup> TOP HAT LTD., :

Plaintiff, :

- against - :

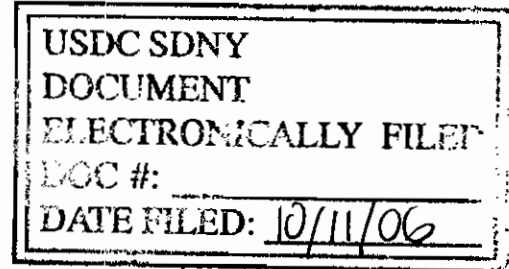
HIGHLAND CAPITAL MANAGEMENT, L.P., :  
HOME INTERIORS & GIFTS, INC., :  
RICHARD HEATH, PATRICK DAUGHERTY, :  
and JOHN DOES 1 through 3, :

Defendants. :

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ORDER

06 Civ. 7929 (DC)



CHIN, D.J.

At an appearance today, the parties informed the Court that they had resolved the matter. Accordingly, it is hereby ORDERED as follows:

1. The case is dismissed with prejudice, with each party to bear its own costs and fees;

2. Any injunction or restraining order entered in this matter, including the Orders entered on October 3, 2006 as modified on October 6, 2006, is hereby dissolved, and the parties are no longer bound by the terms thereof, and any restriction on the use, transfer, or other disposition of the funds that were subject to prior Orders in this matter is terminated;

3. The Clerk of the Court shall release to Plaintiff the \$10,000,000.00 deposit made by Plaintiff with the Clerk of this Court on October 10, 2006, along with any accrued interest thereon, within two (2) days from the date of this Order; and

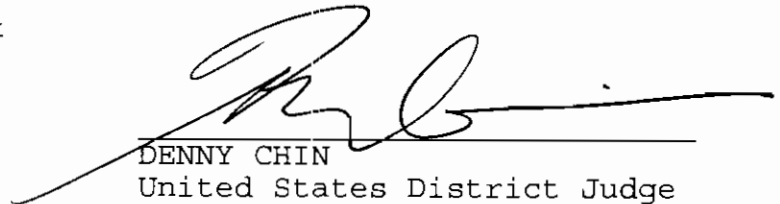
4. The parties shall remain bound by any and all

Confidentiality Agreements or Orders agreed to or entered in this matter. Any documents or pleadings previously filed under seal in this matter shall remain under seal. Any information or documents produced in this matter shall remain under seal. Any information or documents produced in this matter (including all copies thereof) shall be made available to the producing party for disposition or, at the direction of the production party, destruction thereof.

5. This Order is not sealed, and the Clerk of the Court shall close this case.

SO ORDERED.

Dated: New York, New York  
October 11, 2006



DENNY CHIN  
United States District Judge